

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1-15 and 17 have been cancelled, while claim 16 has been amended to include the limitations of cancelled claim 17. In addition, the claims have been amended for clarity.

Applicant would like to note that support for "computer readable medium" in claims 16 and 18-20 may be found in the specification on page 2, paragraph [0008].

Applicant believes that the above changes and explanation answer the Examiner's objections to the specification and claims, the Examiner's 35 U.S.C. 112, paragraph 2, rejection of the claims, and the Examiner's 35 U.S.C. 101 rejection of claims 1-15, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 3-11, 13-16 and 18-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0194601 to Perkes et al. The Examiner has further rejected claims 1, 12 and 17 under 35 U.S.C. 103(a) as being unpatentable over Perkes et al. in view of the article "Emotional Computer - Computer models of emotions and their meaning for emotional psychological research" by Ruebenstrunk.

The Perkes et al. publication discloses a system, method and computer program product for cross technology monitoring, profiling and predictive caching in a peer to peer broadcasting and viewing framework.

The Ruebenstrunk article describes the psychological theories of emotion which form the basis of computer models of emotion. As noted by the Examiner, Ruebenstrunk also discloses the theory of Ortony, Clore and Collins which includes a computationally tractable model of emotions as a consequence of certain cognitions , events and interpretations, aimed to be implemented in a computer or some type of Artificial Intelligence (AI) system.

Applicant acknowledges the teachings of Ruebenstrunk and, in particular, Ortony, Clore and Collings, which Applicant cites in the specification on page 5, lines 25-27. However, there is no incentive in Perkes et al. to include the teachings of Ruebenstrunk. Applicant stresses that any incentive comes from the teachings of the subject invention which would be indicative of impermissible hindsight.

Further, Applicant submits that the subject invention, as claimed in claim 16, includes the limitation "computer readable code for causing said processing device to search for and download additional music attributes of the music file being downloaded". This is described in the specification on page 12, lines 7-12.

Applicant submits that neither Perkes et al. nor Ruebenstrunk disclose or suggest this limitation.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 16 and 18-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611